

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN RODRIGUEZ,

Defendant.

CR-01-99-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 20, 2022. (Doc. 127.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 19, 2022. (Doc. 122.) The United States accused Shawn Rodriguez, (Rodriguez) of violating his conditions of supervised release 1) by failing to report for substance abuse testing on two separate occasions; 2) by failing to report for mental health treatment on two separate occasions; and 3) by failing to report for substance abuse treatment. (Doc. 121.)

At the revocation hearing, Rodriguez admitted to violating the conditions of his supervised release 1) by failing to report for substance abuse testing on two separate occasions; 2) by failing to report for mental health treatment on two separate occasions; and 3) by failing to report for substance abuse treatment. (Doc. 122.) Judge Johnston found that the violations Rodriguez admitted proved to be serious and warranted revocation, and recommended revocation of Rodriguez's supervised release and recommended a custodial sentence until January 16, 2023, with no supervised release to follow. (Doc. 127.) Lenihan was advised of his right to appeal and his right to allocute before the undersigned and he waived those rights. (Doc. 122.) The violations prove serious and warrant revocation of Rodriguez's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 127) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Shawn Rodriguez be sentenced to the Bureau of Prisons until January 16, 2023, with no supervised release to follow.

DATED this 21st day of December, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court